

REMARKS

An Office Action was mailed on April 4, 2003, and declared Final. Applicant filed a response to such Office Action on June 27, 2003. An Advisory Action was then mailed on July 23, 2003, noting that Applicant's response of June 27, 2003, will not be entered. Claims 5-20 are pending in the present application.

TELEPHONE INTERVIEW

Applicant wishes to thank the Examiner for the interview of August 4, 2003. However, it should be noted that the official Interview Summary has yet to be mailed from the USPTO. Applicant only has an advance fax copy provided by the Examiner. In such telephone interview, the Examiner suggested defining that the light sensing means "incorporates" (instead of "comprises") a display. The Examiner also suggested drafting claims directed towards the effect of the decoding steps on the light sensing means display. Applicant is most appreciative of the Examiner's time and suggestions.

REJECTIONS UNDER 35 U.S.C. § 103(a)

Claims 5-20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kagan et al. (U.S. Patent 5,618,045) and Baer (U.S. Patent 3,993,861). Responsive thereto, Applicant has incorporated the limitation of claim 13 into claims 5, 7, 9 and 11 and has canceled claim 13. Applicant has also further provided that the light sensing means incorporates or includes a display as suggested by the Examiner in the telephone interview of August 4, 2003. Reconsideration is respectfully requested in view of such amendments and the arguments to follow.

Baer '861 teaches the basic concept of sensing digital data on a screen using a light-sensing device. Kagan et al. '045 discloses an interactive multiple-player game with infrared means for communication between players. Kagan et al., however, has nothing to do with a light sensing means having a digital decoding means and a display means incorporated in the light sensing means for capturing images and transferring the

same to a data receiver. Kagan et al. only teaches a display means, which is known in the art.

Both references teach very different concepts that are arguably individually related to the totality of the claimed invention. However, there is a clear disconnect between the teaching of each prior art reference and the claimed result. Yet, the Examiner asserts that it "would have been obvious to one of ordinary skill in the art to use the information decoding scheme of Baer, which can be used to apply electrical signals to external equipment (e.g. a CRT display)(Baer, col. 2, ll 33-37), to coordinate an ad-hoc wireless gaming network of Kagan to facilitate game playing by multiple players (Kagan, col. 3, ll. 12-20)."

The Examiner is clearly employing improper hindsight in asserting that one skilled in the art would be motivated by Kagan et al. to provide a display screen on the light sensing means of Baer to "capture" or "transfer" moving images to the light sensing means display screen. One skilled in the art would have no reason or motivation to add a display to the Baer light sensing means because the Baer light sensing means has no function that is equivalent to the light sensing means of the present invention. Similarly, the Kagan et al. player terminals or devices fail to include any function that is similar to the light sensing means of Baer. Such Kagan et al. player devices merely exhibit two-way communications between other devices, and fail to exhibit the responsive sensing properties that are integral to the Baer light sensor.

Be this as it may, and to clearly and unequivocally distinguish the present invention over the prior art asserted by the Examiner, Applicant has incorporated the element of claim 13 into the independent claims 5, 7, 9 and 11. Applicant has further provided that the display is included or incorporated into the light sensing means. Accordingly, with respect to the totality of the claimed invention, there is a critical link between the light sensing means display and the means for displaying the moving image on said display, with the digital data generated and decoded from the digital data decoding means. One skilled in the art would not be motivated to combine Kagan et al. with Baer to arrive at the claimed invention, as amended, because there is no critical link between the

portable device display means of Kagan et al. and the light sensing and decoding properties of the light sensors in Baer. There simply is no suggestion in the prior art to incorporate a display directly into the light sensing means of Baer. Thus, Applicant respectfully submits that the Examiner failed to meet his burden to support his rejections under 35 U.S.C. §103(a).

The combination of Kagan et al. and Baer fail to teach or reasonably suggest a light sensing device having a display and means for capturing and/or transferring an encoded and broadcast image to the display of the light sensing means (refer in particular to pending claims 15, 17 and 20). The prior art only teaches the transmission of encoded data through a data broadcast system, with such data being represented by a certain portion of an image that has unique color or light properties, and a light sensing device, that is able to interpret the unique color or light properties of such certain portion of such image, is then capable of decoding such data and communicating the same to an entertainment system or the like. There is no discussion of the displays of Kagan et al. having a function similar to a light sensing device of Baer, i.e., having the ability to interpret a unique color or light property of a certain portion of an image on a screen and then decode data embedded in such color or light property. As such, one skilled in the art would fail to learn from the combination of Kagan et al. and Baer to arrive at the claimed device having a light sensing means with a display assembled therein.

Accordingly, it is respectfully requested that the Examiner withdraw the rejections under 35 U.S.C. § 103(a).

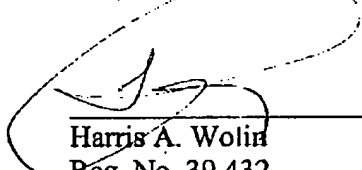
CONCLUSION

An earnest effort has been made to be fully responsive to the Examiner's objections. In view of the above amendments and remarks, it is believed that claims 5-12 and 14-20, consisting of independent claims 5, 7, 9 and 11 and the claims dependent therefrom, are in condition for allowance. Passage of this case to allowance is earnestly solicited. However, if for any reason the Examiner should consider this application not to

be in condition for allowance, he is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged on Deposit Account 50-1290.

Respectfully submitted,


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